

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MOLLY M. SCHWARTZ, *Individually* : Civil No. 4:21-CV-01645
and as Administrator of the Estate of :
David E. DeWald, III, :
:
Plaintiff, :
:
v. : Judge Jennifer P. Wilson
:
:
LACKAWANNA COUNTY, *et al.*, :
:
Defendants. : Magistrate Judge Arbuckle

ORDER

Before the court is the report and recommendation of United States Magistrate Judge William I. Arbuckle recommending that the Medical Defendant's motion to dismiss and motion to strike be denied. (Doc. 33.) Medical Defendants timely filed objections to the portions of the report and recommendation that recommend denial of the motion to dismiss. (Doc. 34.) However, Medical Defendants' objections merely restate and reargue the very issues that Judge Arbuckle already considered and rejected in the report and recommendation. (*Id.*) Since mere disagreement with the report and recommendation is not a basis to decline to adopt the report and recommendation, the court construes Medical Defendants' objections as general objections.

When a party raises only general objections to a report and recommendation, a district court is not required to conduct a de novo review of the report and

recommendation. *Goney v. Clark*, 749 F.2d 5, 6–7 (3d Cir. 1984). “To obtain de novo determination of a magistrate’s findings by a district court, 28 U.S.C. § 636(b)(1) requires both timely and specific objections to the report.” *Id.* at 6. Thus, when reviewing general objections to a report and recommendation, the court’s review is limited “to ascertaining whether there is ‘clear error’ or ‘manifest injustice’” on the face of the record. *Boomer v. Lewis*, No. 3:06-CV-00850, 2009 WL 2900778, at *1 (M.D. Pa. Sept. 9, 2009).

The court has reviewed Judge Arbuckle’s report and recommendation and finds no clear error or manifest injustice on the face of the record. Indeed, Judge Arbuckle’s analysis thoroughly considers and addresses the arguments raised by Medical Defendants in their objections. The fact that Medical Defendants disagree with the outcome of this analysis is not a basis to decline to adopt the report and recommendation.

Accordingly, **IT IS ORDERED THAT:**

- 1) The report and recommendation, Doc. 33, is **ADOPTED** in its entirety.
- 2) The Medical Defendants' general objections, Doc. 34, are **OVERRULED**.
- 3) The Medical Defendants' motion to dismiss, Doc. 22, is **DENIED**.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania

Dated: July 27, 2022